

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

TOUCHSTREAM TECHNOLOGIES, INC.	§	
	§	
<i>Plaintiff,</i>	§	
v.	§	CASE NO. 2:23-cv-00062-JRG-RSP
COMCAST CABLE COMMUNICATIONS,	§	
LLC d/b/a XFINITY, et al.,	§	
	§	
<i>Defendants.</i>	§	

**ORDER**

Before the Court are the following objections (the “Objections”) filed challenging pretrial rulings issued by Magistrate Judge Payne in the above-captioned Case<sup>1</sup>:

1. Comcast’s Objections to the Memorandum Order Denying Comcast’s Motion to Strike the Opinions of Dr. Russell W. Mangum III (Dkt. No. 263)
2. Comcast’s Objections to Magistrate Judge Payne’s Denial of Comcast MIL No. 3 (Dkt. No. 243)
3. Plaintiff Touchstream Technologies, Inc.’s Objection to Ruling On Defendants Comcast Cable Communications, LLC et al.’s Motion *in Limine* No. 4<sup>2</sup> (Dkt. No. 246)
4. Plaintiff Touchstream’s Objections to Magistrate Judge Payne’s Evidentiary Rulings on the Admissibility of PTX 85 and Certain Deposition Designations of Tony Werner (Dkt. No. 306)
5. Comcast’s Objection to the Magistrate Judge’s Decision Overruling Comcast’s Objections to Plaintiff’s Trial Exhibit 7 (Dkt. No. 309)
6. Plaintiff Touchstream Technologies, Inc.’s Objection to Ruling Re Defendants Comcast Cable Communications, LLC et al.’s Motion to Exclude and Strike the Opinions of Dr. Kevin Almeroth (Case No. 2:23-cv-00062, Dkt. No. 25)

---

<sup>1</sup> The rulings and objections were filed in then-lead case 2:23-cv-00059-JRG-RSP. The cases were thereafter deconsolidated. (Case No. 2:23-cv-00059, Dkt. No. 360). All docket citations are to docket entries in Case No. 2:23-cv-00059 unless otherwise noted.

<sup>2</sup> While the title of this Objection indicates that Plaintiff only challenges Magistrate Judge Payne’s ruling on MIL No. 4, in this Objection, Plaintiff also challenges Magistrate Judge Payne’s ruling on MIL No. 1. (Dkt. No. 246 at 4.)

After reviewing Judge Payne's rulings and the briefing on the Objections, the Court agrees with the reasoning provided by Judge Payne and concludes that the Objections fail to show that the rulings were clearly erroneous or contrary to law. Consequently, the Court:

1. **OVERRULES** Comcast's Objections (Dkt. No. 263) and **ADOPTS** Judge Payne's Memorandum Order (Dkt. No. 239);
2. **OVERRULES** Comcast's Objections (Dkt. No. 243) and **ADOPTS** Judge Payne's rulings as announced into the record;
3. **OVERRULES** Touchstream's Objections (Dkt. No. 246) and **ADOPTS** Judge Payne's rulings as announced into the record;
4. **OVERRULES** Touchstream's Objections (Dkt. No. 306) and **ADOPTS** Judge Payne's rulings as announced into the record;
5. **OVERRULES** Comcast's Objections (Dkt. No. 309) and **ADOPTS** Judge Payne's rulings as announced into the record; and
6. **OVERRULES** Touchstream's Objections (Case No. 2:23-cv-00062, Dkt. No. 25) and **ADOPTS** Judge Payne's Memorandum Order (Dkt. No. 329).

The Court therefore **ORDERS** the following:

1. Comcast's Motion to Strike the Opinions of Dr. Russell W. Mangum III (Dkt. No. 83) is **DENIED**.
2. Comcast's Motion *in Limine* No. 1 (Dkt. No. 172) is **GRANTED**.
3. Comcast's Motion *in Limine* No. 3 (Dkt. No. 172) is **DENIED**.
4. Comcast's Motion *in Limine* No. 4 (Dkt. No. 172) is **GRANTED**.
5. Comcast's 's Motion to Strike Certain Opinions of Dr. Kevin Almeroth (Dkt. No. 84) is **GRANTED-IN-PART** as explained in the Report and Recommendation (Dkt. No. 329).

**So ORDERED and SIGNED this 13th day of March, 2025.**

  
\_\_\_\_\_  
RODNEY GILSTRAP  
UNITED STATES DISTRICT JUDGE